

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

DANIEL BETHEL,	)	FILED: JUNE 20, 2008
	)	08CV3564
Plaintiff,	)	JUDGE DARRAH
	)	MAGISTRATE JUDGE DENLOW
vs.	)	
	)	
GRABOWSKI LAW CENTER, LLC,	)	DAJ
	)	
Defendant.	)	

**COMPLAINT**

**INTRODUCTION**

1. Plaintiff Daniel Bethel brings this action to secure redress from unlawful credit and collection practices engaged in by defendant Grabowski Law Center, LLC. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. (“FDCPA”). The FDCPA broadly prohibits unfair or unconscionable collection methods; conduct which harasses, oppresses or abuses any debtor; and any false, deceptive or misleading statements, in connection with the collection of a debt; it also requires debt collectors to give debtors certain information. 15 U.S.C. §§1692d, 1692e, 1692f and 1692g.

**VENUE AND JURISDICTION**

2. This Court has jurisdiction under 15 U.S.C. §1692k (FDCPA), 28 U.S.C. §1331 and 28 U.S.C. §1337.

3. Venue and personal jurisdiction in this District are proper because:

a. Defendant’s collection conduct occurred within this District;

- b. Defendant does business within this District.

**PARTIES**

4. Plaintiff Daniel Bethel is an individual who resides in the Naperville, Illinois.

5. Defendant Grabowski Law Center, LLC is a law firm organized as an Illinois limited liability company with its principal offices at 2800 S. River Road, Suite 410, Des Plaines, IL 60018.

6. Grabowski Law Center, LLC regularly collects allegedly delinquent health care debts originally owed to others, using the mails and telephones for that purpose.

7. Grabowski Law Center, LLC is a debt collector as defined in the FDCPA.

**FACTS**

8. In December 2007, Grabowski Law Center, LLC filed a lawsuit in the Circuit Court of Cook County on behalf of Forest Health System against Corinne A. Bethel, the former wife of plaintiff Daniel Bethel, to collect a medical bill for services allegedly rendered to Roy Bethel in 1999.

9. In May 2008, Grabowski Law Center, LLC added Daniel Bethel to the lawsuit on motion.

10. Neither the original nor amended complaint attached any writing signed by Daniel Bethel.

11. The complaint alleged that Daniel Bethel had requested the services and was liable for their reasonable, usual and customary price and that Daniel Bethel was liable under the Illinois Family Expense Act, 750 ILCS 65/15.

12. The statute of limitations applicable to an implied contract is five years.  
735 ILCS 5/13-205
13. The statute of limitations applicable to an express contract not wholly in writing is five years. 735 ILCS 5/13-205.
14. The statute of limitations applicable to a claim under the Family Expense Act is five years. 735 ILCS 5/13-205. Seymour v. Union News Co., 217 F.2d 168 (7<sup>th</sup> Cir. 1954).
15. The purported debt was barred by limitations.
16. Plaintiff was forced to retain counsel upon learning of the action.
17. Daniel Bethel was dismissed from the lawsuit without prejudice on Grabowski Law Center, LLC's motion on June 17, 2008.

**VIOLATIONS COMPLAINED OF**

18. Defendant violated the FDCPA, 15 U.S.C. §§1692e and 1692f, by filing suit against plaintiff on a time-barred debt. Kimber v. Federal Financial Corp., 668 F. Supp. 1480 (M.D. Ala. 1987).
19. Defendant violated the FDCPA, 15 U.S.C. §1692i, by suing plaintiff in Cook County.

WHEREFORE, the Court should enter judgment in favor of plaintiff and the class and against defendant for:

- (1) Statutory damages;
- (2) Actual damages;
- (3) Attorney's fees, litigation expenses and costs of suit;

(4) Such other and further relief as the Court deems proper.

s/ Daniel A. Edelman  
Daniel A. Edelman

Daniel A. Edelman  
Cathleen M. Combs  
James O. Lattuner  
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**JURY DEMAND**

Plaintiff demands trial by jury.

s/ Daniel A. Edelman  
Daniel A. Edelman

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**NOTICE OF LIEN AND ASSIGNMENT**

Please be advised that we claim a lien upon any recovery herein for 1/3 or such amount as a court awards. All rights relating to attorney's fees have been assigned to counsel.

s/ Daniel A. Edelman

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